

**Federal Defenders**  
OF NEW YORK, INC.

Southern District  
81 Main Street, Suite 300  
White Plains, N.Y. 10601-4150  
Tel: (914) 428-7124 Fax: (914) 948-5109

David E. Patton  
*Executive Director  
and Attorney-in-Chief*

*Southern District of New York*  
Jennifer L. Brown  
*Attorney-in-Charge*

July 22, 2021

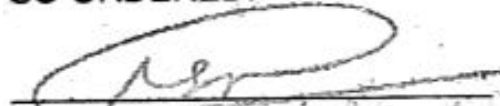
The Honorable Nelson S. Román  
United States District Court Judge  
Southern District of New York  
United States Courthouse  
300 Quarropas Street  
White Plains, New York 10601

Deft's request to temporarily modify his bail is DENIED. The Court notes that both the Probation Officer and the Gov't do not take a position with regard to this request. Clerk of Court is requested to terminate the motion at ECF No. 13. Dated: White Plains, NY

July 27, 2022

Re: **United States v. David Zayas**  
**22 CR 178 (NSR)**

SO ORDERED:

  
HON. NELSON S. ROMÁN  
UNITED STATES DISTRICT JUDGE

Dear Honorable Román:

I am writing to ask that Your Honor temporarily modify the terms of Mr. Zayas's release to allow him to attend a comedy show on July 28, 2022, in Boston, Massachusetts. As background, on March 11, 2022, Mr. Zayas was released pursuant to a \$100,000 bond that was secured by \$20,000 in cash and co-signed by 5 financially responsible individuals. Under the terms of his release, Mr. Zayas is subjected to home detention at his home in Webster, Massachusetts. The proposed comedy show is set to begin at 7:00pm at the TD Garden in Boston. Mr. Zayas did not purchase these tickets – the tickets were a gift that he and his wife received. In light of Mr. Zayas's full compliance since his release on March 11, 2022, I ask that Your Honor allow this temporary modification.

I have communicated with Senior U.S. Probation Officer Benjamin Miller, who is monitoring Mr. Zayas. Via e-mail, Officer Miller indicated that "Due to [office] policy, I cannot take a position. Probation would leave this request up to the Court." Officer Miller added,

That being said, save a marijuana positive at release, David has been in full compliance and available to Probation when requested. I'll note that David is legally able to use marijuana for medical purposes and is seeking to use the drug via court order from the SD/NY, but in the interim, he has not used and/or tested positive, which I know has not been easy for him. That is all to say, he's doing his best to remain in compliance, in the community, and present in his children's lives.

USDC SDNY  
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ELECTRONICALLY FILED  
DOC #: \_\_\_\_\_  
DATE FILED: 7/27/2022

I have communicated with A.U.S.A. Josiah Pertz, and he takes no position on this request.

Thank you for your consideration of this request.

Sincerely,

/s/

Benjamin Gold  
Assistant Federal Defender

cc: AUSA Timothy Joisha Pertz  
Supervisory U.S. Probation Officer Ben Miller